IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

TERI SINGLETERRY,	§	
INDIVIDUALLY AND AS	§	
NEXT FRIEND TO MAKENZI	§	
LANDRUM AND RAYGIN	§	
SINGLETERRY, MINORS,	§	
	§	
Plaintiffs,	§	CIVIL ACTION NO. 2-06-cv-457TJW
	§	
VS.	§	JURY
	§	
DAIMLERCHRYSLER	§	
CORPORATION,	§	
	§	
Defendant.	§	

DEFENDANT CHRYSLER LLC'S FIRST SUPPLEMENTAL MOTION TO STRIKE WALTER HARRELL

Defendant Chrysler LLC ("Chrysler")¹ files this First Supplemental Motion to Strike the Testimony of Walter Harrell and asks that the Court consider this motion along with Chrysler's Motion to Strike the Testimony of Walter Harrell (Doc. 62).

Despite repeated requests, Chrysler has not yet received Harrell's file from Plaintiff. On October 18, 2007, Chrysler requested a copy of Harrell's file materials. *See* Exhibit A, Letter from C. Pearson to T. Tracy, Oct. 18, 2007. On October 26, 2007, Chrysler sent another letter to Plaintiff's counsel renewing its request for Harrell's file. *See* Exhibit B, Letter from C. Pearson to T. Tracy, Oct. 26, 2007.

¹ Effective March 31, 2007, DaimlerChrysler Corporation became DaimlerChrysler Company LLC by conversion. Effective July 30, 2007, DaimlerChrysler Company LLC was renamed Chrysler LLC.

As of November 5, 2007—the day of jury selection and one day before trial, Plaintiff has still not produced Harrell's file. Plaintiff has represented to Chrysler that she will be calling Harrell to testify and, as such, Plaintiff's failure to produce his file is unfairly prejudicial to Chrysler. This prejudice would not be rectified by an eleventh hour, eve of trial production of Harrell's file, especially when Chrysler has repeatedly asked for a copy of Harrell's file.

Therefore, Chrysler requests that this Court strike the testimony of Plaintiff's expert Walter Harrell and for other relief as may be just and proper.

Respectfully Submitted:

By: /s/ Chris Pearson
Chris Pearson
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ATTORNEY IN CHARGE

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ATTORNEYS FOR DEFENDANT CHRYSLER LLC

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that a true and correct copy of this document was served on the following counsel of record pursuant to Local Rule CV-5(2)(A), on this the 5th day of November, 2007:

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